

Appl. No. 10/672,414  
Docket No. 9369  
Amdt. dated January 11, 2007  
Reply to Office Action mailed on Dec. 5, 2006  
Customer No. 27752

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## REMARKS

### Claim Status

Claim 1 has been amended to define the claimed invention with greater specificity by emphasizing that the discrete non-verbal cue comprises an embossment. Support for this amendment is found in the Specification at page 3, lines 9-12.

Claim 2 has been amended to be consistent with Claim 1. Support for this amendment is found in the Specification and Claims as originally filed.

New Claim 23 has been added. Support for this claim is found throughout the Specification, especially at page 3, lines 9-12.

Claims 1-21 and 23 are pending in the present application. No additional claims fee is believed to be due.

### Response to Requirement for Restriction of Inventions

The Examiner has required, under 35 USC §121, election of a single disclosed invention for prosecution on the merits. A formal election was submitted on September 11, 2006 to prosecute the invention of Group I. This hereby confirms the election to prosecute the invention designated in the Office Action as Invention I. This election is made without traverse. Claims 1-21 are drawn to this invention.

Claim 22 has been canceled by this amendment as being drawn to a non-elected invention.

### Rejection Under 35 USC §102(b) Over WO 98/50482

Claims 1-3 and 17-20 are rejected by the Examiner under 35 USC 102(b) as allegedly being anticipated by WO 98/50482 to Nunes et al. ("Nunes"). The Examiner asserts that Nunes discloses a multi-ply absorbent article with pigmented adhesive positioned between the two plies. The Examiner concludes that the pigmented adhesive reads on the non-verbal cue limitation of Claim 1.

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Applicants respectfully submit that Nunes fails to teach each and every element of Claim 1, as amended, because Nunes fails to teach that its "non-verbal cue" communicates to a user of its multi-ply absorbent article a characteristic of the multi-ply absorbent article when the multi-ply absorbent article is in a dry state. Applicants respectfully submit that Nunes teaches that its pigmented adhesive is visible to a user when its multi-ply absorbent article is in a wet state, not a dry state. Therefore, Applicants submit that Claim 1, as amended, is not anticipated by Nunes. Further, Applicants submit that Claims 2-3 and 17-20, as amended, which ultimately depend from Claim 1, as amended, are not anticipated by Nunes for the same reasons that Claim 1, as amended, is not anticipated by Nunes.

Rejection Under 35 USC §102(b) Over U.S. Patent No. 3,672,949

Claims 1-3 and 17-20 are rejected by the Examiner under 35 USC 102(b) as allegedly being anticipated by U.S. Patent No. 3,672,949 to Brown ("Brown"). The Examiner asserts that Brown discloses a laminated creped tissue having two plies that are attached to one another by adhesive which is applied in a pattern of discrete spots. The Examiner concludes that the pattern of discrete spots of adhesive reads on the non-verbal cue limitation of Claim 1.

Applicants respectfully submit that Brown fails to teach each and every element of Claim 1, as amended, because Brown fails to teach that its "non-verbal cue" communicates to a user of its tissue a characteristic of the tissue. Further, Applicants submit that Brown fails to teach a non-verbal cue that comprises an embossment. Applicants respectfully submit that Brown's adhesive is not visible to a user of its tissue since it is not colored. Even if it is visible to a user of its tissue, Applicants submit that the pattern of discrete spots of adhesive does not communicate anything about the tissue. Therefore, Applicants submit that Claim 1, as amended, is not anticipated by Brown. Further, Applicants submit that Claims 2-3 and 17-20, as amended, which ultimately depend from Claim 1, as amended, are not anticipated by Brown for the same reasons that Claim 1, as amended, is not anticipated by Nunes.

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Rejection Under 35 USC §102(b) Over U.S. Patent No. 3,684,461

Claims 1-3 and 17-20 are rejected by the Examiner under 35 USC 102(b) as allegedly being anticipated by U.S. Patent No. 3,684,461 to Murphy ("Murphy"). The Examiner asserts that Murphy discloses a laminated creped tissue providing a pleasant pattern of visible coloration. The Examiner concludes that Murphy's pleasant pattern of visible coloration reads on the non-verbal cue limitation of Claim 1.

Applicants respectfully submit that Murphy fails to teach each and every element of Claim 1, as amended, because Murphy fails to teach that its "non-verbal cue" communicates to a user of its tissue a characteristic of the tissue. Further, Applicants submit that Murphy fails to teach a non-verbal cue that comprises an embossment. Applicants respectfully submit that Murphy's pattern of visible coloration is for aesthetic purposes only, it doesn't provide the user of the tissue with any information about a characteristic of the tissue. Therefore, Applicants submit that Claim 1, as amended, is not anticipated by Murphy. Further, Applicants submit that Claims 2-3 and 17-20, as amended, which ultimately depend from Claim 1, as amended, are not anticipated by Murphy for the same reasons that Claim 1, as amended, is not anticipated by Murphy.

Rejection Under 35 USC §102(b) Over U.S. Patent No. 4,325,768

Claims 1-3 are rejected by the Examiner under 35 USC 102(b) as allegedly being anticipated by U.S. Patent No. 4,325,768 to Schulz ("Schulz"). The Examiner asserts that Schulz discloses a laminated creped fibrous web material with an embossed pattern. The Examiner concludes that Schulz's emboss pattern reads on the non-verbal cue limitation of Claim 1.

Applicants respectfully submit that Schulz fails to teach each and every element of Claim 1, as amended, because Schulz fails to teach that its "non-verbal cue" communicates to a user of its fibrous web material a characteristic of the fibrous web material. Applicants respectfully submit that Schulz's emboss pattern is for aesthetic purposes only, it doesn't provide the user of the fibrous web material with any information about a characteristic of the fibrous web material. In other words, Applicants submit that Schulz's emboss pattern does not indicate a characteristic of the fibrous web

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material. Therefore, Applicants submit that Claim 1, as amended, is not anticipated by Schulz. Further, Applicants submit that Claims 2-3, as amended, which ultimately depend from Claim 1, as amended, are not anticipated by Schulz for the same reasons that Claim 1, as amended, is not anticipated by Schulz.

Rejection Under 35 USC §102(b) Over U.S. Patent No. 5,503,076

Claims 1-3 and 17-20 are rejected by the Examiner under 35 USC 102(b) as allegedly being anticipated by U.S. Patent No. 5,503,076 to Yeo ("Yeo"). The Examiner asserts that Yeo discloses a multi-colored printed laminate, wherein the laminate includes fibrous webs attached by a plurality of discrete colored adhesive regions. The Examiner concludes that Yeo's discrete colored adhesive regions reads on the non-verbal cue limitation of Claim 1.

Applicants respectfully submit that Yeo fails to teach each and every element of Claim 1, as amended, because Yeo fails to teach that its "non-verbal cue" communicates to a user of its laminate a characteristic of the laminate. Further, Applicants submit that Yeo fails to teach a non-verbal cue that comprises an embossment. Applicants respectfully submit that Yeo's discrete colored adhesive regions are for aesthetic purposes only, it doesn't provide the user of the laminate with any information about a characteristic of the laminate. In other words, Applicants submit that Yeo's emboss pattern does not indicate a characteristic of the laminate. Therefore, Applicants submit that Claim 1, as amended, is not anticipated by Yeo. Further, Applicants submit that Claims 2-3 and 17-20, as amended, which ultimately depend from Claim 1, as amended, are not anticipated by Yeo for the same reasons that Claim 1, as amended, is not anticipated by Yeo.

Rejection Under 35 USC §102(b) Over U.S. Patent No. 6,221,211

Claims 1-6, 10, 11 and 17-20 are rejected by the Examiner under 35 USC 102(b) as allegedly being anticipated by U.S. Patent No. 6,221,211 to Hollenberg et al. ("Hollenberg"). The Examiner asserts that Hollenberg discloses a multi-ply tissue product comprising indicia to indicate the presence of some unique ingredients within the tissue product. The Examiner asserts that Hollenberg's indicia includes coloring or

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printing on an internal ply surface. The Examiner further asserts that Hollenberg teaches that its indicia indicates the presence of an additive such as emollients, moisturizers, softening agents, menthol, cleansing agent and fragrance.

Applicants respectfully submit that Hollenberg fails to teach each and every element of Claim 1, as amended, because Hollenberg fails to teach that its non-verbal cue comprises an embossment. Therefore, Applicants submit that Claim 1, as amended, is not anticipated by Hollenberg. Further, Applicants submit that Claims 2-6, 10, 11 and 17-20, as amended, which ultimately depend from Claim 1, as amended, are not anticipated by Hollenberg for the same reasons that Claim 1, as amended, is not anticipated by Hollenberg.

Rejection Under 35 USC §103(a) Over U.S. Patent No. 6,221,211

Claims 7-9, 12-16 and 21 are rejected by the Examiner under 35 USC 103(a) as allegedly defining obvious subject matter over Hollenberg, discussed above. The Examiner recognizes that Hollenberg fails to teach the specific ingredients as claimed in Claims 7-9, the indicia indicating properties of the product as claimed in Claims 12-16 or the package of the product as claimed in Claim 21. However, the Examiner asserts that Hollenberg teaches generic classes of ingredients that encompass the specific ingredients claimed in Claims 7-9 and thus Claims 7-9 are rendered obvious over Hollenberg. Further, the Examiner asserts that Claims 12-16 would have been obvious in light of Hollenberg's teachings. Lastly, the Examiner concludes that packaging the claimed product as claimed in Claim 21 would have also been obvious over Hollenberg.

Applicants respectfully submit that Hollenberg fails to teach each and every element of Claim 1, as amended, because Hollenberg fails to teach that its non-verbal cue comprises an embossment. Therefore, Applicants submit that Claims 7-9, 12-16 and 21, which ultimately depend from Claim 1, as amended, are not rendered obvious over Hollenberg for the same reasons that Claim 1, as amended, is not anticipated by Hollenberg. MPEP 2143.03.

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Rejection Under 35 USC §103(a) Over U.S. Patent No. 6,221,211

In View of U.S. Published Application No. 2004/0118530

Claims 12-16 and 21 are rejected by the Examiner under 35 USC 103(a) as allegedly defining obvious subject matter over Hollenberg, discussed above, in view of U.S. Published Application No. 2004/0118530 to Kressner et al. ("Kressner"). The Examiner recognizes that Hollenberg fails to teach the properties of the product as claimed in Claims 12-16 or the package of the product as claimed in Claim 21. The Examiner attempts to overcome the deficiencies of Hollenberg by combining the teachings of Kressner with the teachings of Hollenberg.

Applicants respectfully submit that the combined teachings of Hollenberg and Kressner fail to teach each and every element of Claim 1, as amended, because they fail to teach that their non-verbal cues comprise an embossment. Therefore, Applicants submit that Claims 12-16 and 21, which ultimately depend from Claim 1, as amended, are not rendered obvious over the teachings of Hollenberg and Kressner for the same reasons that Claim 1, as amended, is not anticipated by Hollenberg. MPEP 2143.03.


Conclusion

This response represents an earnest effort to place the present application in proper form and to distinguish the invention as claimed from the applied reference(s). In view of the foregoing, entry of the amendment(s) presented herein, reconsideration of this application, and allowance of the pending claim(s) are respectfully requested.

Respectfully submitted,

THE PROCTER & GAMBLE COMPANY

By

  
Signature

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